

ATTORNEY GENERAL OF INDIA (AGI)

Constitutional Basis

- **Article 76** → Provides for the Attorney General of India
- **Highest Law Officer of India**
- Chief Legal Advisor to the Union Government

Appointment, Qualification, Term & Removal

Appointment

- Appointed by the **President of India**
- Must be qualified to be a **Judge of the Supreme Court**
- o Citizen of India
- o 5 years as High Court Judge OR
- o 10 years as High Court Advocate OR
- o Distinguished jurist

Term & Removal

- Holds office **during pleasure of the President**
- No fixed tenure
- The Constitution does **not specify the removal procedure**
- Remuneration determined by the President

Duties & Functions

As Chief Law Officer:

1. Advises the Government of India on legal matters
2. Performs legal duties assigned by the President
3. Appears for the Union Government in:
 - o Supreme Court cases
 - o References under **Article 143**
 - o High Courts (when required)
4. Discharges functions under the Constitution or other laws

Rights of the Attorney General

Under **Article 76 & Article 88**:

✓ Right of audience in **all courts in India**

✓ Right to speak & participate in:

- Lok Sabha
- Rajya Sabha
- Joint sitting
- Parliamentary Committees

- No right to vote
- Enjoys privileges & immunities of MP (Article 105)

Limitations

1. Cannot advise against the Government of India
2. Cannot appear against the Government
3. Cannot defend the accused in a criminal case without govt permission
4. Cannot accept company directorship without permission
5. Must route advice to ministries through the Law Ministry

Comparison: AG vs SG vs Advocate General

Constitutional	Yes (Art 76)	No	Yes (Art 165)
Highest Law Officer	India	2nd Highest	State
Appointed By	President	ACC (PM-led)	Governor
Tenure	Pleasure of President	3 years (rule-based)	Pleasure of Governor
Right in Parliament	Yes (No vote)	No	Can speak in State Legislature

Advocate General

- **Article 165**
- Highest law officer in the State
- Must be qualified to be a High Court Judge
- Appointed by the Governor
- Holds office during pleasure of the Governor